



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

08051PLW.06c

DATE: August 18, 2006
NPDES PERMIT NO.: HI S000073

**PERMIT RATIONALE: APPLICATION FOR NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
TO DISCHARGE TO THE WATERS OF THE UNITED
STATES**

PERMITTEE: COUNTY OF HAWAII, DEPARTMENT OF PUBLIC WORKS

PROJECT: PALANI ROAD SAFETY IMPROVEMENTS

FACILITY/SITE ADDRESS

Kealakaa Street between Kealakehe
Elementary School to the Intersection of
Palani Road and Palihiolo Street
North Kona, Hawaii
Island of Hawaii
TMK: 7-04-008:065 and 7-04-019:044

PERMITTEE MAILING ADDRESS

Department of Public Works
County of Hawaii
101 Pauahi Street, #7
Hilo, Hawaii 96720
Contact: Mr. Bob Yanabu, Project Manager
Phone No.: (808) 961-8586
Fax No.: (808) 961-8630

PERMIT STATUS

On March 30, 2006, the Permittee submitted an Individual NDPEs permit application for coverage of storm water discharges associated with construction activity to the receiving State water named the Pacific Ocean, a Class AA, Marine Water, on the Island of Hawaii. The Department of Health (DOH) reviewed the application and on May 15, 2006, requested that the permittee submit additional information. The permittee submitted additional information, dated July 10, 2006, July 27, 2006, and August 3, 2006 to the DOH.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Hawaii Revised Statutes (HRS), Chapter 342D.

SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT

The proposed Project is located in North Kona, Hawaii. The County of Hawaii, Department of Public Works is proposing to construct an extension and realignment of Kealakaa Street from the area just past Kealakehe Elementary School to the intersection of Palihilo Street and Palani Road. This will create an intersection with traffic signal and turning lanes. The new Kealakaa Street extension will be approximately 800 linear feet with a 65-foot right-of-way, 2, 11-foot lanes with new curb and gutter, and 5.5-foot wide concrete sidewalks on either side. Palani Road will be widened to add a separate left turn lane and a sidewalk which will be 5.5 feet wide in the area south of the existing pedestrian bridge and seven (7) feet wide to the north of the existing pedestrian bridge.

The Project will be constructed in four (4) phases. Phase 1 will include the construction of the new Kealakaa Street extension, while Phases 2 and 3 will include demolition and reconstruction of Palani Road. Phase 4 will include cold planing, repaving a portion of Palani Road, and the reconstruction of the existing Kealakaa Street from the intersection of Palani Road to the intersection with the new Kealakaa Street Extension

RECEIVING WATER CLASSIFICATION

The discharge points are classified by the DOH as Class AA, Marine Waters. The objective of Class AA waters is to remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source.

The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of these classes. These waters shall not act as receiving waters for any discharge which has not received the best degree of treatment or control compatible with the criteria established for its class.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The Environmental Protection Agency (EPA) has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125, Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

The Permittee requests to discharge storm water runoff from the proposed construction site and indicates in the Site-Specific Best Management Practices (BMPs) Plan that the following control measures will be implemented prior to the start of construction: the installation of silt fence down slope of the disturbed areas for sediment control; the installation of inlet protection devices on all drain inlets and catch basins on the project site; and the installation of stabilized construction entrances to reduce vehicle tracking of sediments on the adjacent roadways.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

PROPOSED DETERMINATIONS

Based on the “Stormwater Management for Construction Activities,” September 1992 (EPA-832-R-91-005); Hawaii Administrative Rules (HAR), Chapter 11-55, “Water Pollution Control,”; HAR, Chapter 11-54 “Water Quality Standards”; and the Best Professional Judgement, the following conditions shall be required in the proposed permit:

1. The General Requirements as stated in Part A of the permit which are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters, in addition to the general BMPs provisions proposed in the application.
2. The Reporting Requirements as stated in Part B of the permit which informs the Permittee of submittal and reporting requirements for compliance with the permit conditions. The Permittee shall submit the following to the CWB, unless otherwise noted:
 - a. The general contractor information.
 - b. A map or drawing showing the location of any construction baseyard(s) and/or staging area(s).
 - c. A map or drawing showing the areas used for the storage of soils, construction materials, or wastes and areas for the disposal of wash water from washing down of construction equipment and vehicles, concrete truck drum wash water, treated dewatering effluent, hydrotesting effluent discharge, etc.

PERMIT RATIONALE
PERMIT NO. HI S000073
Page 4

- d. The location(s) and descriptions of all structural controls including those that will be used to divert the offsite storm water from flowing into the construction site.
- e. The County-approved Erosion and Sediment Control Plan and/or County-approved grading permit.
- f. An updated construction schedule for major construction activities including the dates when the contractor will begin and end site disturbance; when erosion control measures will be implemented and removed; and dates when major construction activities begin and end.
- g. The Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management.
- h. The Notice of Cessation Form (CWB-NOC Form) within two (2) weeks of completion of the subject project. The purpose of the NOC Form is to notify the CWB upon termination of the discharge activities.

All related concerns and/or comments pertaining to the above listed items shall be properly addressed to the CWB's satisfaction before the start of construction activities.

- 3. The BMPs as stated in Part C of the permit which emphasizes pollution prevention measures that are applicable to the construction activities. The Special Conditions for Land Disturbances from HAR, Chapter 11-55, Appendix C, Section 11 have been cited in the permittee's application.